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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,011	02/27/2004	Stephen Lozowski	2003P03879 US01	6870

7590 06/24/2008  
Alexander J. Burke  
Intellectual Property Department  
5th Floor  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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EBERSMAN, BRUCE I

ART UNIT	PAPER NUMBER
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3691

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,011	<b>Applicant(s)</b> LOZOWSKI ET AL.	
	<b>Examiner</b> BRUCE I. EBERSMAN	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-15 are presented for examination. Applicant filed an amendment 3/10/08 amending claims 1-3,11,14-15. After careful consideration of Applicant's arguments, the examiner finds them to be moot relative to the amended claims. Therefore new ground(s) of rejection are established. Therefore the rejection of claims 1-15 is a Final Rejection.

### **CLAIM REJECTIONS- 35 USC 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 rejected under 35 USC 103(a) as being unpatentable over US patent 5235507 to Sackler in view of US Patent Publication 2003/0105648 to Schurenberg

As per claims 1,11,14,15

Sackler discloses an acquisition processor for acquiring a record identifying a portion of a charge related to a service provided to a particular patient by a health provider organization; (Sackler Col. 1, line 50),  
using predetermined rules, Sackler Col. 2, lines 5-30, predetermined process/rules to identify party.)

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identifying a party financially responsible for said charge portion (verifying the insurance status of the claimant (Sackler col. 1, line 50), and for identifying an account type associated with said charge portion, (calculating payment of the claimant and debiting claimant account, Sackler col. 1 line 50),

determining whether an account of said type exists for said (col. 2, lines 5-25)

identified financially responsible party; and (Sackler Col. 1, line 50).

Sacker does not explicitly disclose;

said party financially responsible being a guarantor undertaking to pay said charge portion determining whether an account of said type exists for said identified financially responsible party by searching records representing an account of said type of the identified financially responsible party

and

initiating creation of an account of said type in response to a determination an account of said type does not exist, said account of said type incorporating data indicating a sum collected in payment of

said charge portion by the identified financially responsible party;

and record processor for associating said acquired record with said account of said type.

Schurenberg teaches;

said party financially responsible being a guarantor undertaking to pay said charge portion (0128)

determining whether an account of said type exists for said identified financially

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responsible party by searching records representing an account of said type of the identified financially responsible party (0128)

initiating creation of an account of said type in response to a determination an account of said type does not exist, said account of said type incorporating data indicating a sum collected in payment of (0682, guarantor and payment information collected, total and balance are inherent to billing)

said charge portion by the identified financially responsible party; (0102, new record created, 0682)

and record processor for associating said acquired record with said account of said type. (0042)

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the health insurance management system of Sackler with the Insurance eligibility system of Schurenberg for the motivation of (0018), automated billing and tracking upfront is more efficient and results in a higher likelihood of getting paid.

As per claim 2, Sackler discloses business office functions (Col. 1, line 5).

said account of said type incorporates data indicating a deposit comprising an advance payment towards said charge portion prior to performance of said service, (col. 3, lines 20-30, billing for uninsured amounts is possible via credit card, checking account etc).

As per claim 3, Sackler discloses

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said data indicating said sum collected in payment is determined after adjudication of a claim by a payer organization and

said charge portion comprises a portion of said charge related to said service provided to said particular patient by said health provider organization and said charge portion is un-reimbursable under medical insurance of said particular patient. (Col. 3, lines 20-30)

As per claim 4, Sackler discloses

processor accumulates records of charge portions related to services provided to said particular patient in a record representing said account of said type to determine financial liability (col. 3, lines 20-30)

Sackler does not explicitly disclose guarantor's.

Schurenberg teaches guarantor's (0104) for the purpose of obtaining payment of any uninsured amounts.

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine, the payment system of Sackler with the Guarantor teachings of Schurenberg for the motivation of (0018) automated billing and tracking upfront is more efficient and results in a higher likelihood of getting paid.

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As per claim 5, Sackler (Col 1, line 50) discloses charge records but, does not explicitly disclose multiple charges from a plurality of patients being aggregated to determine a total guarantor liability to said business office.

Schurenberg teaches the ability to link accounts of multiple patients under one guarantor or account type. (see Fig. 57).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Sackler with the account linking features of Schurenberg for the motivation of facilitating electronic billing for medical accounts.

(0018)

As per claim 6, Sackler (col. 1, line 50) discloses payment by claimant and means of debiting the account of said claimant.

Sackler does not specifically disclose partial payments. However, it would be obvious to include capabilities to accept partial payments in the disclosure of Sackler in the event that a customer (guarantor) does not have the entire co-pay. One of ordinary skill in the art would be motivated to do so in order to facilitate partial payment when the guarantor/customer cannot pay the full amount.

As per claim 7, Sackler (Col. 2, line 12) discloses that a database includes the health provider organization, amount of claim etc.

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As per claim 8, Sackler does not explicitly disclose predetermined rules and date ranges. Schurenberg teaches linking which effectively creates a variety of rules for searching and associating records with patients. (0462-0471). It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the health insurance management system of Sackler with the linking ability of Schurenberg to create predetermined rules or links between records for the motivation of accurate and efficient electronic medical billing. (0018)

As per claim 9, Sackler discloses charges portion to the claimant, "calculating the payment required by the claimant, if any" (Col. 1, line 55).

As per claim 10, Sackler discloses a program checking to find the record or account exists by checking financial party id information. (col. 2, lines 10-15) Examiner notes that checking for an existing record before creating a new one would be inherently part of any database system.

As per claims 12, 13, Sackler does not explicitly disclose groupings and associations. Schurenberg teaches associations of records (00436-440) in order to associate or link records. Schurenberg also teaches linking of records between patients. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Sackler with the teachings of Schurenberg for the motivation of accurate and efficient electronic medical billing (0018).



***Response to Arguments***

Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new ground(s) of rejection as a result of amendment of the independent claims, 1, 11, 14, 15.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE I. EBERSMAN whose telephone number is (571)270-3442. The examiner can normally be reached on 630am-5pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691

Bruce I Ebersman  
Examiner  
Art Unit 3691

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